

IN THE
SUPREME COURT OF INDIANA

CASE NUMBER:

ORDER AMENDING ADMINISTRATIVE RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 5, 6, 7, 8, 9, and 14 of the Indiana Administrative Rules are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

ADMINISTRATIVE RULES

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Rule 5: Payment and Notification Procedures

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(B) Senior Judges. The Division of State Court Administration shall administer the payment procedures for senior judges in accordance with the provisions set forth in this rule.

...

(6) Per Diem Allowance. As provided by statute, a senior judge is entitled to senior judge service credit and a per diem allowance of fifty dollars (\$50.00) per day for the first thirty (30) days of service in a calendar year. Pursuant to statute, the Indiana Supreme Court may adjust the per diem rate and increase it to not more than one hundred dollars (\$100. 00) for each day of service after the first thirty (30) days. A senior judge who serves substantially shorter time than the daily calendar of the court where the judge is serving may, with the permission of the Executive Director, accumulate and consolidate such service times into a day's credit. A senior judge residing outside of the county where service is rendered is entitled to reimbursement for mileage at a rate equal to other public officials as established by state law and reasonable expenses incurred in performing the duties of senior judge for each day served. A senior judge may not be compensated as such for more than one hundred (100) calendar days in the aggregate during any one calendar year.

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Rule 6. Microfilming Standards

(A) Application of Standards. All Courts in the State of Indiana shall meet the standards set forth under this rule regarding the use of microfilm for the preservation of any record of a court. Only those records or record series which have been approved by the Indiana Supreme Court for microfilming shall be eligible for microfilming.

(B) Definitions. The following definitions shall apply under this Administrative Rule:

- (1) *"Microfilm,"* when used as a noun, means a photographic film containing an image greatly reduced in size from the original, and, when used as a verb, means the recording of microphotographs on film.
- (2) *"Microform"* is a generic term for any form, usually film, which contains micro images.
- (3) *"Target"* means any document or chart containing identification information, coding or test charts. A target is an aid to technical or bibliographical control which is photographed on the film preceding or following the document.
- (4) *"Standard"* means a uniformly accepted set of compliances to a predefined norm.
- (5) *"Specifications"* means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the requirements given are satisfied.
- (6) *"Record Series"* means a group of related documents (either as to form or content) which are arranged under a single filing system, or kept together as a unit because they:
 - (a) consist of the same form;
 - (b) relate to the same subject;
 - (c) result from the same activity; and,
 - (d) have certain physical characteristics (computer magnetic tapes or discs, microforms.)
- (7) *"Record Retention Schedules"* means a series of documents governing, on a continuing basis, the retention and disposition of recurring record series of an agency, court or organization.
- (8) *"Reproduction"* means the process of making an exact copy from an existing document.

(C) Microfilm Standards.

- (1) *Documentation.* A formal written documentation file shall be created and retained for the life of the microfilm based upon an approved retention schedule documenting the following:
 - (a) That every stage of the microfilm process is covered by a written and recorded procedure including:
 - (i) Authority to microfilm specifically enumerated records;
 - (ii) A preparation guide concerning the arrangement of originals on microfilm;
 - (iii) Any weeding policy of documents to determine what papers from the file will be placed on microfilm;
 - (iv) Any contracts with agents of record custodians who will perform the actual microfilming (in-house or vendor).
 - (b) The reproduction processes employed to assure accuracy.
 - (c) Verification of the microfilm against the original for completeness and legibility.
 - (d) The justification for the microfilming of originals (i.e., space reduction, security) and the written process for the destruction of originals as authorized by an approved retention schedule.
 - (e) The identity of persons who supervised the microfilming procedures who are capable of giving evidence of these procedures.
 - (f) The retention schedule for the documentation matching the length of time of the microform.
 - (g) Certification of compliance with this documentation procedure to the Division of State Court Administration.
- (2) *Legibility.*
 - (a) *Resolution.* A microform system for source documents shall be tested for resolution capability under procedures set forth in the appropriate section of ANSI/AIIM MS23-1983, both upon installation and at the beginning and end of each roll of microform, by use of a camera test chart, such as the "Rotary Camera Test Chart," ANSI/AIIM MS-17-1983; "THE PLANETARY CAMERA TEST CHART," ANSI/ISO Test Chart No. 2, arranged one in each of the four corners of the image area and one in the center; or any equivalent chart incorporating the appropriate camera test charts. Where camera

~~generated roll micro film is not used, a microform of the appropriate camera test chart must be generated weekly. Micrographic systems used for court records must meet the following standards for resolution:~~

- ~~(i) A micrographic system for source documents must produce a quality index level of not less than 5.0 for third generation microfilm as measured according to *American National Standard Practice for Operational Procedures/Inspection and Quality Control of First Generation, Silver Gelatin Microfilm of Documents*. ANSI/NMA MS23-1983. In applying this standard, a lower case letter "e" height of 1.4 millimeters or less must be used;~~
 - ~~(ii) All pattern groups on the camera test chart must be read. The smallest line pattern (highest numerical designation) in which both horizontal and vertical line direction is clearly discernible is the resolving power of that pattern group. The lowest numerical resolving power of all the pattern groups on the camera test chart is the resolving power of the micrographic system;~~
 - ~~(iii) The film used in reading the camera test chart must be processed to the density standard of (b)(i);~~
 - ~~(iv) A computer output microfilm system must produce quality index of not less than 5.0 for third generation microfilm as measured according to *American National Standard Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer Output Microforms*. ANSI/NMA MS1-1988.~~
- ~~(b) Density. Microfilm systems used for court records must meet the following density standards:~~

~~(i) The background ISO standard visual diffuse transmission density on microforms shall be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23-1983 and the densitometer shall be in accordance with ANSI/ISO 5/3-1984, for spectral conditions and ANSI/ISO 5/2-1985, for geometric conditions for transmission density. Recommended visual diffuse transmission background densities for images of documents are as follows:~~

		Background
Class	Description of documents	Density
Group 1	High quality, high contrast printed — books, periodicals, and black typing	1.3-1.5
		Background
Class	Description of documents	Density
Group 2	Fine line originals, black opaque pencil writing, and documents with small high contrast printing.	1.15-1.4
Group 3	Pencil and ink drawings, faded printing, and very small printing such as footnotes at the bottom of a printed page.	1.0-1.2
Group 4	Low contrast — manuscripts and drawing, graph paper with pale, fine colored lines; letters typed with worn ribbon; and poorly printed, faint documents.	0.8-1.0

- ~~(h) Background density in first generation computer output microfilm must meet ANSI/AIIM MS1-1988.~~
- ~~(i) Base Plus Fog Density of Films. The base plus fog density of unexposed, processed films should not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in (b)(i).~~
- ~~(j) Line or Stroke Width. Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density.~~

~~Therefore, as the reduction ratio of a given system is increased, the background density shall be reduced as needed to ensure that the copies produced will contain legible characters.~~

~~(c) Reduction Ratio. Microfilm systems used for court records meet the following reduction ratio standards:~~

- ~~(i) A reduction ratio for microfilm of documents of 25 to 1 or 24 to 1 or less is required;~~
- ~~(ii) A reduction ratio for microfilm of documents of greater than 25 to 1 may be used only if the micrographics system can maintain the required quality index at the higher reduction;~~
- ~~(iii) Computer output microfilm must be at a reduction ratio ranging from 48 to 1 to 24 to 1.~~

~~(3) Permanency. For records requiring permanent retention (over fifteen years) based on an approved retention schedule, the following standards shall apply:~~

~~(a) Raw stock microfilm shall be of safety-based permanent record film meeting specification of American National Standards Institute PH 1.25.~~

~~(b) The camera generated master negative microfilm shall be silver halide silver gelatin, meeting the permanency requirements of American National Standards Institute PH 1.28 and PH 1.41. Microforms shall be processed in accordance with ANSI IT 9.1 1989 and in accordance with processing procedures in ANSI/AIIM MS1 1988 and MS23 1983.~~

~~(c) The master microfilm record meeting the above standards shall be stored at a site other than the producing agency's structure, in a fireproof vault, meeting American National Standards Institute PH 1.43.~~

~~(d) In addition to the master microfilm record, which is a security copy, the agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electrophotograph film on a safety base of cellulose ester or polyester material.~~

~~(D) Specifications. Specifications for equipment, microfilm and photographic chemicals are outside the nature of this standard.~~

~~(E) Official Record. A microfilm record which is produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the court or agency, regardless of whether or not an original paper document exists.~~

~~(F) Disposal of Records after Microfilming. Court records which have been microfilmed in accordance with the standards set out in this rule may be destroyed or otherwise disposed but only after the court files a "Destruction Certificate" with the Division of State Court Administration certifying that the records have been microfilmed in accordance with the standards set out in this rule and the Division issues a written authorization for the destruction of such records. The Division of State Court Administration shall provide a form "Destruction Certificate" for this purpose.~~

Rule 13. Optical Disk Imaging Standards

~~(A) Application of standards. All courts of the State of Indiana shall meet the standards set forth under this rule when employing digital imaging technology for the storage and preservation of any record of a court.~~

~~(B) Definitions. The following definitions shall apply under this administrative rule:~~

~~(1) Agency means a section, division or department under the court or clerk created by statute or court rule. The agency is budgeted through the court or clerk with staff reporting to the appropriate judge or clerk of the circuit court.~~

~~(2) Digital Image means an electronic data file consisting of digital data, which, when reconstructed either on a display screen or hard copy print, appears as the original document.~~

~~(3) Index means descriptive locator information attached to the digital image that enables a requestor to identify the file and retrieve it from the optical storage medium.~~

~~(4) Reproduction means the process of making an exact copy from an original document.~~

~~(5) Specification means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the requirements given are satisfied.~~

- ~~(6) *Standard* means uniformly accepted set of compliances to a pre-defined norm.~~
- ~~(7) *WORM* means "Write Once, Read Many" times and describes one type of digital imaging media.~~

~~(C) Optical Disk Imaging Standards.~~

- ~~(1) *Documentation.* A formal written documentation file shall be created and retained for the life of the information stored on the optical disk based upon an approved records retention schedule documenting the following:~~
 - ~~(a) that every stage of the digital imaging process is covered by a written and recorded procedure including:~~
 - ~~(i) authority to implement digital imaging technology;~~
 - ~~(ii) any weeding policy of documents to determine what documents from any file will be imaged, and~~
 - ~~(iii) any contracts with agents of record custodians who will perform the actual optical imaging process;~~
 - ~~(b) the imaging process employed to assure accuracy;~~
 - ~~(c) verification of the image on a CRT screen against the original for completeness and legibility;~~
 - ~~(d) definition of the indexing system employed with storage in multiple places on the optical disk for security and integrity;~~
 - ~~(e) the identity of persons who supervised the optical imaging procedures who are capable of giving evidence of these procedures; and~~
 - ~~(f) certification of compliance with this documentation procedure to the Division of State Court Administration.~~
- ~~(2) *Legibility.* The following standards on legibility apply for digital optical imaging.~~
 - ~~(a) Scanner input shall:~~
 - ~~(i) Scan office documents at a density of at least 200 pixels per inch, and~~
 - ~~(ii) Use a higher scanning density (300 to 600 pixels) as needed, for poor contrast documents, those containing faded text and those containing fine handwriting or lines, based upon a verification test that includes hard copy reproduction from such scanned documents at various densities.~~
 - ~~(b) Image enhancement shall:~~
 - ~~(i) retain unenhanced document data or specify that the enhanced algorithm be reversible, and~~
 - ~~(ii) retain the original of any document with intrinsic value.~~
- ~~(3) *Permanency.* The following standards on permanency shall apply for digital optical imaging.~~
 - ~~(a) Optical imaging systems will be built from hardware and software components that are nonproprietary and are based upon open systems architecture.~~
 - ~~(b) Court will require depositing of vendor's computer source code and associated documentation with a mutually agreed upon third party for use when vendor no longer maintains or supports its system.~~
 - ~~(c) Optical imaging systems will use a non-proprietary image file header label and vendor shall supply a detailed definition of it.~~
 - ~~(d) Data will be scanned using SCSI [small computer system interface] command "write and verify."~~
 - ~~(e) System upgrades will provide backward compatibility to existing system or digital data will be converted to the upgrade at the time of such upgrade.~~
 - ~~(f) Optical imaging system will employ WORM technology.~~
 - ~~(g) Optical media will have a pre-write shelf life of at least five years and post write life of twenty years based upon accelerated aging test results that reports on specific disk areas.~~
 - ~~(h) Storage environment of disk must be in a constant temperature range of 55 degrees to 75 degrees and a relative humidity of 30% to 50%.~~
 - ~~(i) The optical image system and disks will be used and stored in a dust free environment.~~

~~(D) Specifications.~~ ~~Specifications for equipment, software, disks, and supplies are outside the nature of this standard. However, specifications must conform to Chapter Ten, "Image Systems: Strategy, Guidelines, and Standards," of the State of Indiana's *Information Processing Policy and Management Procedures*, developed by the Data Processing Oversight Commission. In addition, all specifications~~

~~must be submitted for review before contracts are issued, to the Division of State Court Administration, for compliance with Trial Rule 77(J).~~

- ~~(E) **Official Record.** A record generated from a digital optical image which is produced and documented in accordance with the provisions of this rule is the official record of the court or agency, regardless whether or not an original paper document exists.~~

Administrative Rule 6. Court Records Media Storage Standards

(A) Application of Standards. All courts in the State of Indiana shall meet the standards set forth under this rule regarding the use of: (1) microfilm for the preservation of any record of a court or a court agency; (2) digital imaging technology for the storage and preservation of any record of a court or of a court agency; and (3) hybrid systems producing both digital images and microfilm for the preservation of any record of a court or of a court agency. These standards shall apply to all records, regardless of medium, kept by courts, their clerks, and court agencies, including the methods used to reproduce or create records electronically and to the methods, systems, and formats used to store, archive, and reproduce records electronically for the purpose of maintenance and preservation of records. Only those records or record series which have been approved for microfilming under Administrative Rule 7 shall be eligible for microfilming.

(B) Definitions. The following definitions shall apply to this Administrative Rule 6:

(1) “Archival,” as it applies to records in electronic form, means that point in the with a document is no longer subject to modification, related documents are purged, and the long-term or permanent copy of the document is created and maintained separately so as to ensure reasonably its preservation according to its approved record retention schedule.

(2) “Clerk” means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, the Clerk of a Circuit, Superior, Probate, or County Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.

(3) “Court” means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, County, City, Town, or Small Claims Courts.

(4) “Court Agency” means a section, division, or department performing duties for the Court or Clerk and which has been created by statute or court rule.

(5) “Digital Image” means an electronic file consisting of digital data, which, when reconstructed on a display screen, a hard copy print, or on microfilm, appears as the original document.

(6) “Digital Imaging” means the process by which a document or photograph is scanned by a computer and converted from analog format to a computer-readable digital format.

(7) “Digital Duplicate” means any copy of digital images used for reference or communication.

(8) “Digital Imaging File Format” means the program used to store Digital Masters of Digital Images.

(9) “Digital Master” means the record copy of an electronic record transferred directly from a computer onto an electronic storage medium.

(10) “Digital Media” refers to the physical method for storing digital records and images. There are two types: magnetic and optical. Examples of the former are magnetic disks, tape, and Digital Audio Tape (DAT). Examples of optical media include Compact Disk (C-D, CD-ROM), Write-Once, Read-Many (WORM) disk, Erasable Optical Disk (EO), and Digital Versatile Disk (DVD).

(11) “DPI” means dots per inch and is used as a measure of the number of dots recorded in either a vertical or horizontal plane for each inch. It is used to measure scanning resolution.

(12) “Hybrid Imaging System” means a system that produces both micrographic and digital images, either simultaneously or one from the other.

(13) “Image Enhancement” means the process of manipulating a scanned image with software, to lighten or darken the image, to increase sharpness, alter contrast, or to filter out data elements appearing on the document.

(14) “Index” means descriptive locator information attached to a digital image that enables a requestor to identify the file and retrieve it from the electronic storage medium.

(15) “In electronic Form” means any information in a court record in a form that is readable through the use of an electronic device, regardless of the manner in which it was created.

(16) “Metadata” means a standardized structure format and control vocabulary which allows for the precise description of record content, location, and value.

(17) “Microfilm” means a photographic film containing an image greatly reduced in size from the original, or the process of generating microphotographs on film.

(18) “Microform” means any form, usually film, which contains microphotographs.

(19) “Migration” means the process of upgrading electronic systems to new technologies while preserving accessibility to existing records. It includes transferring one electronic data format to another when a new computer or data management system is incompatible with its existing system. It also means the process of moving electronic data from one storage device or medium to another.

(20) “Open System Standard” means a published and commonly available interface specification that describes services provided by a software product. Such specifications are available to anyone and have evolved through consensus and are open to the entire industry.

(21) “Record Series” means a group of related documents, either as to form or content, which are arranged under a single filing system; are kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity; or which have certain similar physical characteristics such as computer magnetic tapes or disks, or as microforms.

(22) “Record Retention Schedules” means a series of documents governing, on a continuing basis, the retention and disposal of records of a Court, Clerk, or Court Agency.

(23) “Refreshing” means the copying of an image or of a whole storage medium for the purpose of preserving or enhancing the quality of a digital image.

(24) “Reproduction” means the process of making an exact copy from an existing document in the same or a different medium.

(25) “Scanning Resolution” means the quality of a digital image resulting from its initial scanning. It is represented in the number of dots per inch (“dpi”), used to represent the image.

(26) “Specifications” means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the given requirements are satisfied.

(27) “Standard” means a uniformly accepted set of compliances to a predefined norm. “ANSI/AIIM” means the American National Standards Institute and the Association for Information and Imaging Management. “CCITT” means the Consultative Committee on International Telegraphy and Telephony. Specific standards appear both by number and by name. If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.

(28) “Target” means any document or chart containing identification information, coding or test criteria used in conjunction with microfilming. A target is an aid to technical or bibliographical control, which is photographed on the film preceding or following a document or series of documents.

(29) Thresholding refers to the level at which data elements are removed from the scanned document.

(C) General Standards.

(1) Courts, Clerks and Court Agencies shall ensure that records generated by, or received by, the courts are preserved in accordance with the applicable record retention schedules.

(2) Records required to be placed in the Record of Judgments and Orders (RJO) as paper or in electronic format, and records with a retention schedule of fifteen (15) years or more, are classified as permanent. Such records must be scanned using a dpi as specified in (E) (2) (a) (ii).

(3) Microform and Digital Media used for the storage of court records shall be inspected at least annually to verify that no deterioration has occurred, incorporating the appropriate ANSI/AIIM standard for microfilm or for digital data deterioration in accordance with (E) (3) (i). Such inspection results shall be forwarded to the Division of State Court Administration, on a form available from the Division.

(D) Microfilm Standards.

(1) Documentation. A formal written documentation file shall be created and retained as a general documentation file for the microfilm process, incorporating the following:

(a) That every stage of the microfilm process is covered by a written and recorded procedure including:

(i) Authority to microfilm specifically enumerated records;

(ii) A preparation guide concerning the arrangement of the originals on microfilm;

(iii) Any policy of selecting documents to determine what papers from the file will be placed on microfilm;

(iv) Any contracts with in-house record custodians or agents of vendors who will perform the actual microfilming (either in-house or through a vendor);

(v) Maintenance of the "Certificate of Destruction" form and approval letter from the Division of State Court Administration.

(b) The reproduction processes employed to assure accuracy.

(c) Verification of each microfilm image against the original for completeness and legibility. The verification process shall be part of the certification procedure submitted to the Division of State Court Administration, on the form provided by the Division.

(d) The justification for the microfilming of originals (i.e., space reduction, security) and the written process for the destruction of originals as authorized by an approved retention schedule.

(e) The identity of persons who supervise the microfilming procedures and who are capable of giving evidence of these procedures.

(f) The retention schedule for the documentation matching the expected longevity of the microform.

(g) Certification of compliance with this documentation procedure to the Division of State Court Administration.

(2) Legibility.

(a) Resolution. A microform system for source documents shall be tested for resolution capability under procedures set forth in the appropriate section of ANSI/AIIM MS23-1998, both upon installation of the system and at the beginning and end of each roll of microfilm, by use of a camera test chart, such as the "Rotary Camera Test Chart," ANSI/AIIM MS 17-2001; "The Planetary Camera Test Chart," ANSI/ISO Test Chart No. 2, arranged one in each of the four corners of the image area and one in the center; or any equivalent chart incorporating the appropriate camera test charts. Where camera-generated roll microfilm is not used, a microform of the appropriate camera test chart must be generated weekly. Micrographic systems used for court records must meet the following standards for resolution:

(i) A micrographic system for source documents must produce a quality index level of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents*. ANSI/AIIM MS23-1998. In applying this standard, a lower-case letter "e" height of 1.4 millimeters or less must be used;

- (ii) All pattern groups on the camera test chart must be read. The smallest line pattern (highest numerical designation) in which both horizontal and vertical line direction is clearly discernible is the resolving power of that pattern group. The lowest numerical resolving power of all the pattern groups on the camera test chart is the resolving power of the micrographic system;
- (iii) The film used in reading the camera test chart must be processed to the density standard of (D)(2)(b)(i);
- (iv) A computer-output microfilm system must produce quality index of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-Output Microforms*. ANSI/AIIM MS1-1996.

(b) Density. Microfilm systems used for court records must meet the following density standards:

- (i) The background ISO standard visual diffuse transmission density on microforms shall be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23-1998 and the densitometer shall be in accordance with ANSI/NAPM 18-1996, for spectral conditions and ANSI/NAPM IT2.19-1994, for geometric conditions for transmission density. Recommended visual diffuse transmission background densities for images of documents are as follows:

		Background
Class	Description of documents	Density
Group 1. . . .	High-quality, high-contrast printed books, periodicals, and black typing	1.3-1.5
Group 2. . . .	Fine-line originals, black opaque pencil writing, and documents with small high-contrast printing.	1.15-1.4
Group 3. . . .	Pencil and ink drawings, faded printing, and very small printing such as footnotes at the bottom of a printed page.	1.0-1.2
Group 4. . . .	Low-contrast manuscripts and drawing, graph paper with pale, fine-colored lines; letters typed with worn ribbon; and poorly printed, faint documents.	0.8-1.0

- (ii) Background density in first-generation computer-output microfilm must meet ANSI/AIIM MS1-1996.
 - (iii) Base Plus Fog Density of Films. The base plus fog density of unexposed, processed films should not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in (D) (2)(b)(i).
 - (iv) Line or Stroke Width. Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, the background density shall be reduced as needed to ensure that the copies produced will contain legible characters.
- (c) Reduction Ratio. Microfilm systems used for court records shall meet the following reduction ratio standards:
- (i) A reduction ratio for microfilm of documents of 25 to 1 or 24 to 1 or less is required;
 - (ii) A reduction ratio for microfilm of documents of greater than 25 to 1 may be used only if the micrographics system can maintain the required quality index at the higher reduction;

- (iii) Computer-output microfilm must be at a reduction ratio ranging from 48 to 1 to 24 to 1.
- (3) Permanency. For records requiring retention of over fifteen years based on an approved retention schedule, the following standards shall apply:
- (a) Raw stock microfilm shall be of safety-based permanent record film meeting specification of ANSI/NAPM IT9.6-1991
 - (b) The camera generated master negative microfilm shall be silver-halide silver gelatin, meeting the permanency requirements of ANSI/NAPM IT9.1-1996. Microforms shall be processed in accordance with ANSI/NAPM IT 9.1-1996 and in accordance with processing procedures in ANSI/AIIM MS196 and ANSI/AIIM MS23-1998
 - (c) The master microfilm record meeting the above standards shall be stored at a site other than the producing agency's structure, in a fireproof vault, meeting ANSI/NAPM IT9.11.
 - (d) In addition to the master microfilm record, which is a security copy, the agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electro-photograph film on a safety base of cellulose ester or polyester material.

(E) Digital Imaging Standards.

(1) Documentation. A formal written documentation file shall be created and retained for the life of the information stored on the digital medium based upon an approved record retention schedule documenting the following:

- (a) that every stage of the digital imaging process is covered by a written and recorded procedure including:
 - (i) authority to implement digital imaging technology,
 - (ii) any selection policy to determine what documents from any file will be imaged, The indexing process shall also identify documents which are subject to approved criteria for purging prior to conversion to a permanent storage medium, and
 - (iii) any contracts with agents of record custodians who will perform the actual digital imaging process;
 - (iv) the metadata for each digital record.
 - (b) the imaging process employed to assure accuracy;
 - (c) verification of the image on a CRT screen against the original for completeness and legibility;
 - (d) definition of the indexing system employed with storage in multiple places on the optical disk for security and integrity;
 - (e) the identity of persons who supervise the digital imaging procedures and who are capable of giving evidence of these procedures; and
 - (f) written certification of compliance with this documentation procedure to the Division of State Court Administration.
 - (g) Archival data stored on a digital master shall be converted to microfilm. Before such conversion, records shall have appropriate retention schedules apply on the document level before conversion to microfilm.
- (2) Legibility. The following standards on legibility apply for digital imaging.
- (a) Scanner input shall:
 - (i) Scan office documents at a density of at least 200 dpi,
 - (ii) Scan records deemed permanent according to the retention schedule and as required for placement in the Record of Judgments and Orders, at a minimum of 300 dpi; and
 - (iii) Use a higher scanning resolution, as needed, for poor contrast documents, those containing faded text and those containing fine handwriting or lines, based upon a verification test that includes hard copy reproduction from such scanned documents at various densities, and
 - (iv) Scanning quality must adhere to the standards presented in *Recommended Practices for Quality Control of Image Scanners* ANSI/AIIM MS44-1988 (R1993), incorporating scanner resolution target X441 or X443, depending upon the application.

- (b) Image enhancement is permissible for lightening or darkening a digital image, improving sharpness or contrast, but applying threshold software to eliminate noise requires prior approval of the Division of State Court Administration.
- (3) Permanency. The following standards on permanency shall apply for digital imaging: Storage and quality control standards apply only to Digital Masters and not to digital duplicates.
- (a) Digital imaging systems will be built from hardware and software components that are nonproprietary and are based upon open systems architecture.
 - (b) Digital imaging systems will use the Digital Imaging File Format known as TIFF Group 4 digital imaging file format meeting ISO Standard 12639:1998, (or as updated or superseded.)
 - (c) Data will be scanned using SCSI [small computer system interface] command “write and verify.”
 - (d) System upgrades will provide backward compatibility to existing system or digital data will be converted to the upgrade at the time of such upgrade.
 - (e) The digital master will employ WORM technology as the digital medium.
 - (f) If a CD-ROM is used as a storage medium, it must comply with ISO 9660-1988, *Volume and File Structure of CD-ROM for Information Interchange*. CD-ROM, EO, and DVD media shall not be used for storage of the digital master but may be used for digital duplicates.
 - (g) Digital media will have a pre-write shelf life of at least five years and post-write life of twenty years based upon accelerated aging test results that reports on specific disk areas.
 - (h) The digital master shall be stored in a dust-free, temperature and humidity-controlled environment, meeting ANSI/AIIM TR25-1995, *Use of Optical Disks for Public Records*.
 - (i) The digital media shall be monitored for deterioration using ANSI/AIIM MS59-1996 *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, and duplicating data to a new or replacement medium when data deterioration reaches the point of loss as described in this standard.

(F) Hybrid Systems

That portion of a hybrid system producing microforms will be governed by Section (D) of this rule; that portion of a hybrid system producing digital images will be governed by Section (E) of this rule.

(G) Microfilm Specifications. Specifications for microfilm equipment, film, and photographic chemicals must meet appropriate standards referenced in section (D) of this rule.

(H) Digital Imaging Specifications. Specifications for digital imaging systems must meet appropriate standards referenced in section (E) of this rule. However, before a court, clerk or court agency shall install such a system, systems specifications must be forwarded to the Division of State Court Administration, in writing, to determine compliance with Trial Rule 77(J). Annually, courts, clerks, and court agencies shall submit a report to the Division of State Court Administration certifying that digital images remain readable upon modification and upgrade to software, hardware, and systems. The Division shall make a form available for this purpose. Specifications must conform to Chapter Ten, “Image Systems: Strategy, Guidelines, and Standards,” of the State of Indiana’s *Information Processing Policy and Management Procedures*, developed by the Data Processing Oversight Commission.

(I) Official Record.

(A) A microfilm record produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.

(B) A record generated from a digital image produced and documented in accordance with the provisions of this rule is the official record of the court or agency, regardless whether or not an original paper document exists.

(J) Access. Access to a court record created or stored in either or both a microfilm or digital format will be governed according to Administrative Rule 9.

(K) Disposal of Records. Court records which have been preserved in accordance with the standards set out in this rule may be destroyed or otherwise disposed but only after the court or its clerk files a “Destruction Certificate” with the Division of State Court Administration certifying that the records have been microfilmed or digitized in accordance with the standards set out in this rule, and the Division issues a written authorization for the destruction of such records. The Division of State Court Administration shall make available a form “Destruction Certificate” for this purpose.

Rule 7. Judicial Retention Schedules

...

II. Procedure

LIS PENDENS

85-1.3-01	Lis Pendens Record (Complaints) IC 34-1-4 <u>32-30-11-11</u>	1877- +	destroy 20 years after date of last entry.
85-1.3-02	Lis Pendens Complaint Files IC 34-1-4 <u>32-30-11-1</u> .	1877- +	destroy 20 years after filing IC 34-1-4 <u>32-30-11-1</u> .
85-1.3-03	Lis Pendens Record – Sheriff’s Notice of Attachment IC 34-1-4 <u>32-30-11</u>	1877- +	destroy 20 years after date of last entry.
85-1.3-04	Lis Pendens – Sheriff’s Notice of Attachment IC 34-1-4 <u>32-30-11</u>	1877- +	destroy 20 years after filing.
85-1.3-05	Lis Pendens Record – Sheriff’s Certificate of Sale IC 34-2-29-1	1881- + 1987	destroy 20 years after date of entry.
85-1.3-06	Lis Pendens – Sheriff’s Certificate of Sale IC 34-2- 29-1	1881- + 1987	destroy 20 years after filing.
85-1.3-07	Lis Pendens Redemption Record IC 34-2-29-3	1881- + 1987	destroy 20 years after date of last entry.

85-1.3-08 Lis Pendens Redemption 1881- + 1987 destroy 20 years after filing.
Record IC 34-2-29-3

Note: IC 34-2-29-1 et seq. was repealed by P.L. 309-1987

...

FAMILY LAW (4) JUVENILE COURT

...

85-4.1-07 ~~History, Records/Children's~~ 1903- + destroy ~~20~~ **12** years after last
~~History File (Case Files)~~ entry or ~~20-12~~ years after
Society History Case Files time when minor reaches
majority unless expunged.

91-4.1-28 Juvenile Wardship Case 1903- + Maintain under ~~85-4.1-9~~
Files **01-4.1-30.**

...

TRIAL RULE 77 SCHEDULES (10)

...

94-10-04 Record of Designated Judgments 1991- + Maintain each type
and Orders (RJO) permanently. Microfilm 2
years after completion of
volume in accordance with
standards set in
Administrative Rule 6. ~~Also~~
~~maintain hard copy.~~ **If**
maintained electronically,
guarantee capacity to
generate hard copy at any
time.

...

Rule 8. Uniform Case Numbering System

...

(B) Numbering System. ...

(1) Court Identifier. ...

05C01 Blackford Circuit Court
05D01 Blackford Superior Court
05E01 Blackford County Court (abolished)
05H01 Blackford/Hartford City City Court (abolished)
05H02 Blackford/Montpellier City Court **(abolished)**

...

10I01 Clark/Clarksville Town Court
10I02 Clark/Sellersburg Town Court
11C01 Clay Circuit Court

...

37I01 Jasper/DeMotte Town Court
37I02 Jasper/Wheatfield Town Court **(abolished)**

...

48I01 Madison/Edgewood Town Court
48I02 Madison/Pendleton Town Court
49C01 Marion Circuit Court

...

(3) Case Type. The third group of two characters shall designate the type of proceeding utilizing the following case classification code:

MR – Murder

CF – Criminal Felony (New CF case numbers shall not be issued after 12/31/2001. CF cases filed prior to 1/1/2002 shall continue to bear the CF case type designation.

FA – Class A Felony

FB – Class B Felony

FC – Class C Felony

FD – Class D Felony

PC – Post Conviction Relief Petition

CM – Criminal Misdemeanor
 MC – Miscellaneous Criminal
 IF – Infraction
 OV – Local Ordinance Violation
 OE – Exempted Ordinance Violation
 CT – Civil Tort
 CP – Civil Plenary (New CP case numbers shall not be issued after 12/31/2001. CP cases filed before 1/1/2002 shall continue to bear the CP case type.)
 PL – Civil Plenary (Civil Plenary cases filed after 1/1/2002- All Civil cases except those otherwise specifically designated.)
 CC – Civil Collection
 MF – Mortgage Foreclosure
 MI – Miscellaneous (Civil cases other than those specifically identified – i.e. change of name, appointment of appraisers, marriage waivers, etc.)
CB – court business record – i.e. court orders that refer to non-case matters such as the appointment of judge pro tem, drawing the jury, etc.
 RS – Reciprocal Support
 SC – Small Claims
 DR – Domestic Relation (Includes Dissolution of Marriage, Annulment, and Legal Separation)
 MH – Mental Health
 AD – Adoption
 ES – Estate, Supervised
 EU – Estate, Unsupervised
 GU – Guardianship
 TR – Trust
 JC – Juvenile CHINS
 JD – Juvenile Delinquency
 JS – Juvenile Status
 JT – Juvenile Termination of Parental Rights
 JP – Juvenile Paternity
 JM – Juvenile Miscellaneous
 PO – Protective Order

...

Rule 9. Access to Court Records

...

(G) Court Records Excluded From Public Access

(1) Case records. The following information in case records is excluded from public access and is confidential:

(a) Information that is excluded from public access pursuant to federal law;

(b) Information that is excluded from public access pursuant to Indiana statute or other court rule, including without limitation:

- (i) All adoption records created after July 8, 1941, pursuant to Ind. Code § 31-19-19-1 *et. seq.*, except those specifically declared open pursuant to Ind. Code § 31-19-13-2(2);
- (ii) All records relating to Acquired Immune Deficiency Syndrome pursuant to Ind. Code § 16-41-8-1 *et. seq.*;
- (iii) All records relating to child abuse not admitted into evidence as part of a public proceeding pursuant to Ind. Code § 31-33-18 *et. seq.*;
- (iv) All records relating to drug tests not admitted into evidence as part of a public proceeding pursuant to Ind. Code § 5-14-3-4(a)(9);
- (v) Records of grand jury proceedings pursuant to Ind. Code § 35-34-2-4;
- (vi) Records of juvenile proceedings, pursuant to Ind. Code § 31-39-1-2, except those specifically open under statute;
- (vii) All paternity records created after July 1, 1941 pursuant to Ind. Code §§ 31-14-11-15, 31-19-5-23, 31-39-1-1 and 31-39-1-2;
- (viii) All pre-sentence reports pursuant to Ind. Code § 35-38-1-13;
- (ix) Written petitions to permit marriages without consent and orders directing the Clerk of Court to issue a marriage license to underage persons, pursuant to Ind. Code § 31-11-1-6;
- (x) Only those arrest warrants, search warrants, indictments and informations ordered confidential by the trial judge, prior to return of duly executed service; pursuant to Ind. Code § 5-14-3-4(b)(1);
- (xi) All medical, mental health, or tax records unless determined by law or regulation of any governmental custodian not to be confidential, released by the subject of such records, or declared by a court of competent jurisdiction to be essential to the resolution of litigation pursuant to Ind. Code §§ 16-39-3-10, 6-4.1-5-10, 6-4.1-12-12, and 6-8.1-7-1;
- (xii) Personal information relating to jurors or prospective jurors, other than for the use of the parties and counsel, pursuant to Jury Rule 10;
- (xiii) Information relating to protection from abuse orders, no-contact orders and workplace violence restraining orders not admitted into

evidence as a part of a public proceeding as declared confidential by Ind. Code § 5-2-9-6 *et. seq.*;

(xiv) Mediation proceedings pursuant to Alternative Dispute Resolution Rule 2.11, Mini-Trial proceedings pursuant to Alternative Dispute Resolution Rule 4.4(C), and Summary Jury Trials pursuant to Alternative Dispute Resolution Rule 5.6;

(xv) Information in probation files pursuant to the Probation Standards promulgated by the Judicial Conference of Indiana pursuant to Indiana Code § 11-13-1-8(b);

(xvi) Information deemed confidential pursuant to the Rules for Court Administered Alcohol and Drug Programs promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 12-23-14-13;

(xvii) Information deemed confidential pursuant to the Drug Court Rules promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 12-23-14.5-9.

(c) Information excluded from public access by specific court order;

(d) Social Security Numbers;

(e) With the exception of names, information such as addresses as addresses, phone numbers, and dates of birth and other information which ~~tends to~~ explicitly ~~identify~~ identifies:

(i) natural persons who are witnesses or victims (not including defendants) in criminal, domestic violence, stalking, sexual assault, juvenile, or civil protection order proceedings;

(ii) places of residence of judicial officers, clerks and other employees of courts and clerks of court.

(f) Account numbers of specific assets, liabilities, accounts, credit cards, and personal identification numbers (PINs);

(g) All orders of expungement entered in criminal or juvenile proceedings;

(h) All personal notes and e-mail, and deliberative material, of judges, jurors, court staff and judicial agencies, and information recorded in personal data assistants (PDA's) or organizers and personal calendars.

...

Rule 14. Video Telecommunication in Criminal, Juvenile, and Mental Health Proceedings

(A) Authority.

...

(3) In juvenile proceedings:

- (a) When a child is alleged to be a delinquent child, a detention hearing pursuant to IC 31-37-6; and a periodic review hearing pursuant to IC 31-37-20-2;
- (b) When a child is alleged to be a child in need of service, a detention hearing pursuant to IC 31-34-5; and a periodic review hearing pursuant to IC 31-34-21-2; and

...

(B) Facilities and Equipment. During any hearing or proceeding conducted under this rule, the court shall assure that:

(1) The facility and equipment enable counsel to be present personally with the out of court party and be able to confer privately with such party outside the reach of the camera and audio microphone. Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for purposes of this section.

Comment on effective dates for Administrative Rule 14(A) and (B): The foregoing amendments to Administrative Rule 14(A) and 14(B) shall take effect immediately and shall expire on December 31, 2005.

The following amendments to Administrative Rule 14 (A) and (B) also were temporary and were effective from March 2, 2004 until the effective date of the foregoing amendment.

Rule 14. Video Telecommunications in Criminal, Juvenile and Mental Health Proceedings

(A) Authority.

...

(3) In juvenile proceedings:

- (c) When a child is alleged to be a delinquent child, a detention hearing pursuant to IC 31-37-6; and a periodic review hearing pursuant to IC 31-37-20-2;
- (d) When a child is alleged to be a child in need of service, a detention hearing pursuant to IC 31-34-5; and a periodic review hearing pursuant to IC 31-34-21-2; and

...

(B) Facilities and Equipment. *During any hearing or proceeding conducted under this rule, the court shall assure that:*

(1) The facility and equipment enable counsel to be present personally with the out of court party and be able to confer privately with such party outside the reach of the camera and audio microphone. However, mental health care providers who appear as witnesses in mental health proceedings, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers, whether or not parties, are not subject to the requirement that their counsel, if any, be present personally with them.

These amendments shall take effect January 1, 2005

The Clerk of this Court is directed to forward a copy of this order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of September, 2004.

Randall T. Shepard
Chief Justice of Indiana

All Justices Concur